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The nature of an inventor's right in his abstract scientific or artistic conception has been the subject of much dispute, but the accepted view is that even before it has been made public in concrete form, he has no absolute property in it. See 20 HARV. L. REV. 143; *Bristol v. Equitable Society*, 52 Hun (N. Y.) 161. A copyright or patent is required to give the originator a legally enforceable right. The communication of the mere idea or design to another deprives the discoverer of nothing which the law can return to him; hence he must enforce his claims in equity. See 17 HARV. L. REV. 206. The protection available in equity is to restrain the disclosure of his secret, or its use, if already disclosed. Use in breach of faith is properly enjoined. *Morison v. Moat*, 9 Hare 241. But when the defendant acquires the knowledge honestly and for value, his conscience cannot be charged, and he should be allowed to enjoy what he has obtained. *Chadwick v. Covell*, 151 Mass. 190. There seems, therefore, no legal or equitable principle upon which to support the present decision. See *Watkins v. Landon*, 52 Minn. 389.

**TRADE UNIONS — STRIKES — COMPELLING ACQUIESCENCE TO A UNION BY-LAW.** — Six unions of workmen in branches of building trades, affiliated with a central union, ordered out their members on strike because their employers announced an intention to run open shops. There was a by-law of the central union by which grievances of a member of a local union against his employer were to be investigated by the central union, and if the employer did not comply with its decision, his union workmen were not to be allowed to continue at work with him, until he agreed to its demand. The employers of the striking workmen sought to enjoin all the unions from interfering with their business. *Held*, that they are entitled to an injunction. *Reynolds v. Davis*, 84 N. E. 457 (Mass.).

In this case there were probably threats of temporal disadvantage by each union forcing its members to strike. Such action requires a justification. 20 HARV. L. REV. 253, 345, 429. The purpose of this strike was to establish the strength of the central union. If that union aimed simply to advance the ordinary principles of unionism, the strike by a single union should be justified. *Ibid.* 434. That this union aimed also to maintain a by-law for the arbitration of disputes by the central union should not destroy the justification if this by-law merely declares the formalities to be gone through before a strike is ordered. The justification fails, however, if damage is intended to be done each employer, not only by the defection of his own employees, but also through his relations with other employers in allied trades. *Pickett v. Walsh*, 192 Mass. 572. While probably this was the situation in the principal case, it is not quite clear that there was more than a merely concurrent attempt by various unions each to advance its own individual interest. Previous Massachusetts cases, however, have not held strikes merely to strengthen the ordinary principles of unionism justified. *Berry v. Donovan*, 188 Mass. 353.

**VESTED, CONTINGENT, AND FUTURE INTERESTS — FUTURE INTERESTS IN PERSONALTY — MACHINERY AS A CONSUMABLE CHATTEL.** — A general bequest to A for life and at A's death to B absolutely, included presses, type, and an engine, used in a printing establishment. *Held*, that A owns the machinery absolutely, since it is perishable. *Seabrook v. Grimes*, 68 Atl. 883 (Md.).

That a specific bequest of consumable chattels — household provisions, growing and severed crops — for life gives the life tenant the absolute ownership is an established restriction on the creation of future limitations in personality. *Ackerman v. Vreeland*, 14 N. J. Eq. 23. But when they are included in a general or residuary bequest, the testator's intention that the life tenant shall enjoy the specific consumable chattels is not expressed. Consequently the interest of the remainderman controls; the consumable chattels must be converted and the proceeds invested in permanent securities for the remainderman, leaving to the life tenant only the income. This distinction between a specific and a general or residuary bequest, first drawn by the English courts of chancery, is generally accepted in this country. *Healey v. Toppin*, 45 N. H. 243; *Burnett v. Lester*, 53 Ill. 325. The courts of Maryland, however, consistently refuse to

draw the distinction. *Evans v. Iglehart*, 6 Gill. & J. (Md.) 171; *Budd v. Williams*, 26 Md. 265. And the court in the present case also departs from general authority in defining consumable as meaning subject to wear and deterioration. See *Whittemore v. Russell*, 80 Me. 297. As all personalty wears and deteriorates, this definition, taken with the court's refusal to distinguish between specific and general bequests, would always convert life interests in chattels into absolute interests.

WAR — MILITARY PERSONS AS CONTRABAND OF WAR. — During the late Russo-Japanese War the plaintiffs reinsured a ship with the defendants and a clause of the policy warranted against "contraband of war." The ship, with two disguised Russian officers on board and bound for a Russian port, was captured and condemned by a Japanese prize court for carrying "contraband persons." The plaintiffs sued on the policy. *Held*, that the plaintiffs may recover. *Yangtze Ins. Ass'n v. Indemnity, etc., Assurance Co.*, [1908] 1 K. B. 910.

It is settled that a neutral ship carrying persons in the service of one belligerent may be condemned if captured by the other. *The Orozambo*, 6 C. Rob. 430. Likewise a neutral vessel may be condemned for carrying contraband goods, though the usual penalty is confiscation of the objectionable cargo. *The Peterhoff*, 5 Wall. (U. S.) 28. Technically, carrying hostile persons, like the transmission of signals for a belligerent, is unneutral service, and as such service may be rendered anywhere the destination of the neutral ship is immaterial. But as the law of contraband merely regulates trade between neutrals and belligerents, the offense of carrying contraband is consummated only when the destination of the neutral is a belligerent port. MOORE, DIG. INTERNAT. LAW, § 1249. A further distinction appears. For unneutral service the acts of the offending shipmaster form a vital element of the offense, and ignorance will excuse if due care under the circumstances has been used. *The Rapid*, Edw. Adm. 228. For carrying contraband the proceedings are strictly against the neutral's cargo, and ordinarily the acts of the shipmaster are immaterial. In view of these distinctions the decision in the present case, that the facts here did not constitute a breach of the warranty, seems correct.

WITNESSES — PRIVILEGE AGAINST SELF-INCRIMINATION — STATUTORY DUTY TO PERMIT INSPECTION OF BOOKS. — A statute provided that stockbrokers should keep a record of every transaction in relation to transfers of stock and permit a state official to inspect such record, for the purpose of discovering whether a transfer tax had been paid. Failure to pay this tax was made a criminal offense. *Held*, that the statute is unconstitutional. *People v. Reardon*, 39 N. Y. L. J. 171 (N. Y., App. Div., March 1908). See NOTES, p. 621

## BOOKS AND PERIODICALS.

### I. LEADING LEGAL ARTICLES.

CONTRIBUTORY NEGLIGENCE OF BENEFICIARY UNDER LORD CAMPBELL'S ACT. — None of the American statutes<sup>1</sup> which allow an action for death by wrongful act indicate the effect of the contributory negligence of the beneficiary. When the right of action is given directly to the next of kin as such, the courts without exception construe the statute to provide a remedy conditional on the plaintiff's freedom from contributory negligence.<sup>2</sup> The result, though un-

<sup>1</sup> See statutes collected in 2 Kinkaid, Torts, § 467.

<sup>2</sup> *Westerberg v. Kinzua, etc., R. Co.*, 142 Pa. St. 471. See 9 HARV. L. REV. 282.